

10/563186

IAP6 Rec'd PCT/PTO 30 DEC 2005

**InTransCo, Inc.**

INTERNATIONAL TRANSLATION COMPANY

TRANSLATIONS FROM AND INTO ALL LANGUAGES PREPARED BY SPECIALISTS

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VERIFICATION OF TRANSLATION

Title of Translated Document: **Written Opinion**  
**International Application No. PCT/FR2004/003132**

Original Language of Translated Document: **French**

The undersigned declares that:

I am a professional translator representing InTransCo, Inc., with English as a native language and French as an acquired language. With over fifteen years of translating experience in general, technical, chemical and related fields.

To the best of my knowledge and belief, the attached is a true, accurate and complete English translation of the above-referenced French document.

Date: 10/27/01

Signature:   
Joan M. Berglund

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## PATENT COOPERATION TREATY

Written Opinion

Sender: THE ADMINISTRATION IN  
CHARGE OF INTERNATIONAL  
RESEARCH

Addressee: PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE  
ADMINISTRATION IN CHARGE OF  
INTERNATIONAL RESEARCH(Regulation 43*bis*.1 of the PCT)

Date sent:  
(day/month/year) see form

PCT/ISA/210

(second page)

File reference of the applicant or agent  
See form PCT/ISA/220

FOR ACTION  
See point 2 below

| International Application No. | International filing date<br>(day/month/year) | Priority Date<br>(day/month/year) |
|-------------------------------|---|-----------------------------------|
| PCT/FR2004/003132             | 06/12/2004                                    | 08/12/2003                        |

International patent classification (IPC) or both the national classification and  
the IPC: G08B25/08

Applicant: IN-TOUCH MARKETING COMPANY

1. The present opinion contains the indications and corresponding pages

relating to the following points:

☒ Box No. I Basis of the opinion☒ Box No. II Priority

☐ Box No. III Absence of formulation of opinion with regard to novelty,  
inventive step and the possibility of industrial application

☐ Box No. IV Absence of unity of the invention

☒ Box No. V Declaration with grounds according to Regulation 43*bis*1(a)(i)  
with regard to novelty, inventive step and the possibility of  
industrial application; citations and explanations in support of  
this declaration.

☐ Box VI Certain cited documents

☒ Box VII Irregularities in the international application

☐ Box VII Observations relative to the international application

## 2. ACTION

If a request for preliminary international examination is presented, the present opinion will be considered as a written opinion of the administration in charge of preliminary international examination, except in the case where the applicant has chosen a different administration from the present administration for purposes of the preliminary international examination and that the administration considered has notified the International Office, according to Regulation 66.1*bis*.b), that it does not intend to consider as its own the written opinions of the present administration in charge of the international search.

If, as is indicated above, the present written opinion is considered as the written opinion of the administration in charge of the preliminary international examination, the applicant is invited to submit a written response to the administration in charge of the preliminary international examination, with changes if necessary, before the expiration of a time period of 3 months

to be counted from the day that form PCT/ISA/220 is sent or before the expiration of a time period of 22 months to be counted from the priority date; the latest time period expiring will be applied.

For more details on the possibilities offered to the applicant, refer to form PCT/ISA/220.

3. For more encompassing details, refer to the notes relating to form PCT/ISA/220.

Name and mailing address of the administration  
in charge of the international search

European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 – 0 Tx: 523656 epmu d  
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**Box No. I Basis of the opinion**

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1. With regard to the **language**, the present opinion was established on the basis of the international application in the language in which it was filed, unless a contrary indication is given on this point.

☐ The present opinion was established on the basis of a translation of the language in which the international application was filed into the following language , which is the language of the translation rendered for purposes of the international search (according to Regulations 12.3 and 23.1b))

2. With regard to **nucleotide or amino acid sequences** disclosed in the international application, if applicable, the international search was conducted on the basis of the following elements:

a. Nature of the element:

- ☐ a list of the sequence or sequences
- ☐ one or more tables relating to the list of the sequence or sequences

b. Medium:

- ☐ on paper in written form
- ☐ on electronic media in a form decipherable by a computer

c. Time of filing or delivery:

- ☐ content(s) in the international application as filed
- ☐ filed with the international application, in a form decipherable by a computer
- ☐ delivered later to the present administration for purposes of the search

3. ☐ Moreover, when more than one version or more than one copy of a list of sequences or one or more tables relating to such a list has been filed, the declarations required according to which the data provided later or by way of additional copies are identical to those initially provided, and do not go beyond the disclosure made in the international application as it was initially filed, depending on the case, have been delivered.

4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been taken into consideration since the Administration in charge of the International Search does not have a copy of the prior application whose priority is claimed, or, if necessary, of its translation. This Opinion, however, has been established by supposing that the pertinent date (Regulations 43*bis*.1 and 64.1) was actually the priority date.

2. ☐ The present opinion was established as if no priority was claimed, due to the fact that the priority claim was judged invalid (Regulation 43*bis*.1 and 64.1). As a result, for purposes of the present opinion, the international filing date indicated above is considered as the pertinent date.

3. Additional observations, if necessary:

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Box No. V Declaration with grounds according to Regulation 43*bis*.1(a)(i) with regard to novelty, inventive step and the possibility of industrial application; citations and explanations in support of this declaration

1. Declaration

Novelty                                      Yes: Claims 1-5  
    No: Claims

Inventive Step:                              Yes: Claims  
    No: Claims 1-5

Possibility of industrial

Application                                      Yes: Claims 1-5  
    No.: Claims

2. Citations and explanations

**see separate page**

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**Box No. VII Irregularities in the international application**

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The following irregularities, regarding the form or the contents of the international application, were considered:

**see separate sheet**

**Concerning point V.**

A. Reference is made to the following documents:

D1 : WO 02/061706 A (HEATON MICHAEL; MYGARD PLC (GB); BEARDMORE JONATHAN (GB); ECCLESTON A) August 8, 2002 (8/8/2002)

D2: DE 100 34 192 A (WALSCHEBAUER HERMANN JOSEF) December 6, 2001 (12/6/2001)

D3: WO 01/73664 A (PICCIONI ROBERT L) October 4, 2001 (10/4/2001.)

D4: EP 1 246,149 A (FUTURE AMENITY LINE KABUSHIKI) October 2, 2002 (10/2/2002)

D5: US 2003/019347 A1 (WEINER MOSHE ET AL) January 30, 2003 (1/30/2003)

B. The present application does not fulfill the conditions stated in Article 33(1)

PCT; the subject of claims 1 and 5 does not involve an inventive step as defined by Article 33(3) PCT.

B.1 In fact, each of the documents D1 to D4 (see the passages cited in the International Search Report) describes a process for remote monitoring of a location in which images representing a part of the location are sent to a central monitoring device.

None of these documents mentions that the images are sent by means of a digital photograph device integrated in a mobile telephone with MMS technology.

However, the use of a such a device would be a completely obvious measure for the person skilled in the art since it is only a choice of a type of apparatus well-known in the prior art; see, for example, document D5.



C. The additional characteristics of the dependent claims are characteristics known in the prior art (in D1, D2, D3 and/or D4) and therefore nothing material or involving an inventive step is introduced in any of these claims.

C.1 It is also necessary to note that the subject of claim 2 is to be inscribed under the category of methods in the exercise of intellectual activities or possibly in the field of economic activities (Regulation 67.1 (iii) PCT), because the comparison relative to a standard is executed by a person (operator): The Administration in charge of the International Search will not be held responsible for examining this subject; Article 34(4)(a)(i) PCT.

**Regarding point VII.**

A. Contrary to the requirements of Regulation 5.1 a) ii) PCT, the description does not indicate the pertinent prior art disclosed in documents D1 to D5 and does not cite these documents.